

VZCZCXRO8438
PP RUEHAG RUEHROV RUEHSR
DE RUEHNY #0647/01 3391156
ZNY CCCCC ZZH
P 041156Z DEC 08
FM AMEMBASSY OSLO
TO RUEHC/SECSTATE WASHDC PRIORITY 7195
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 OSLO 000647

SIPDIS

E.O. 12958: DECL: 12/04/2018
TAGS: [SENV](#) [EAID](#) [EAGR](#) [ETRD](#) [EINV](#) [BTIO](#) [NO](#)
SUBJECT: NORWAY KEENLY INTERESTED IN THE LACEY ACT

REF: STATE 126654

Classified By: Political Counselor Kristen Bauer for reasons 1.4(b) and (d)

11. (SBU) SUMMARY: The Norwegian government has showed keen interest in the Lacey Act's impact on tropical timber issues. Embassy Oslo arranged a thorough presentation to the Deputy Minister of Environment, NGOs, and other government officials, which generated spirited discussion. An EU representative also presented the EU's approach at the meeting. Norway may not follow the Lacey model, but public pressure will guarantee some kind of Norwegian legislation. The Lacey Act was an opportunity to present a clearly positive story on a USG environmental initiative. Post would recommend active outreach to Ministries of Environment in other capitals. End Summary.

"WHY AREN'T WE DOING WHAT THE AMERICANS ARE?"

12. (SBU) Months before reftel demarche, in July, the Embassy was contacted by the Ministry of Environment (MOE) to obtain information on the recent amendments to the Lacey Act, as the MOE was determining how to respond to public and NGO pressure. Some of that pressure was expressed as, "Why isn't Norway doing what the US is doing?" The Embassy furnished various factsheets, links and websites, coordinating with OES in Washington. Shortly thereafter, the MOE suggested that the Embassy participate in a seminar on the issue. On November 24, a three-hour "Tropical Timber Seminar" was held at the MOE, chaired by Deputy Minister Heidi Sorensen, and attended by various GON officials, NGO representatives, and export industry representatives.

13. (SBU) Poloff presented a thirty-minute powerpoint adapted from the one available on the www.usda.aphis.gov website, and circulated the Q&A's also posted there. The EU also presented for 20 minutes on their FLECT plan. NGO and legal representatives were allowed to give brief presentations, and then two hours of discussion and questions ensued.

14. (SBU) Poloff emphasized that the Lacey Act is directed at changing incentives for importers in the United States by imposing a new liability. The law would thus work not through comprehensive inspections, but through a chilling effect on irresponsible sourcing. The EU representative emphasized the EU proposal's focus on required systems of due diligence, rather than liability for actual shipments. The Rainforest Foundation pointed out that timber certification schemes are often circumvented.

WORRIES ABOUT THE LEGAL/POLITICAL INTERFACE;
ADMIRATION FOR OUR TOUGHNESS

15. (C) Several Norwegian government participants questioned how US courts would deal with the issue of interpreting foreign law, and how we would deal with foreign legal and government authorities that might disagree with or be angered by US interpretations or judgments. Some participants

expressed worries that implementation of the Lacey Act could cause bilateral tension. Poloff emphasized that the DOJ could choose its prosecutions carefully, going after the most egregious violators first. Most participants openly expressed admiration for the US's tough stance on this issue, while hedging about whether our approach was appropriate for Norway. The EU's FLECT plan was generally well-received, but there were concerns about effectiveness, given the endemic corruption and unreliable documents of some timber-exporting countries.

"WE HAVE TO BE PERCEIVED TO BE DOING SOMETHING"

----- --

16. (C) In response to reftel, poloff also briefed Dagfinn Sorli, the MFA WTO section chief on December 3. Sorli listened with rapt attention. Although he admired the plan, he commented that, "the tricky part is figuring out what is 'illegal,' isn't it?" Sorli said there was immense eagerness among Norwegian environmentalists to act, but the roadblocks to effective action were a lack of accepted standards and reliable systems of certification. The government last year presented an "action plan" which said that public buildings in Norway should avoid using any tropical timber. While only a "political" document, Sorli said that he would have "screamed and yelled" if it had been shown to his office beforehand, because a blanket prohibition without any legal or scientific basis was against WTO rules. Brazil protested the government's statement. Sorli wryly commented that, "it's vital, you understand, for our government to be perceived to be doing something."

OSLO 00000647 002 OF 002

17. (C) Comment: The Lacey Act presented an unusual opportunity for the USG to be seen to be ahead of the GON on an environmental issue of significant interest to the Norwegian public and NGO community. Norwegian authorities are unlikely to prefer the US approach because it is confrontational. Post would not be surprised if Norway ultimately subscribes to whatever scheme the EU chooses to legislate. Nevertheless, admiration of the US on this substantive environmental issue has been and will be helpful in our discussions on other environmental issues. Other Embassies may find that active outreach on the Lacey Act amendments can pay dividends. End comment.

WHITNEY